

DEAN K. DUNSMORE
U.S. DEPARTMENT OF JUSTICE
Environment & Natural Resources
Division
801 B Street, Suite 504
Anchorage, Alaska 99501-3657
Telephone: (907) 271-5452
Facsimile: (907-271-5827
Email: dean.dunsmore@usdoj.gov

Attorney for the United States

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

PAUL G. SHEARER)	
)	
Plaintiff,)	No. 3:03-cv-00263-JKS
)	(CONSOLIDATED)
V.)	
)	
UNITED STATES OF AMERICA,)	RESPONSE OF THE UNITED STATES
DIRK KEMPTHORNE, Secretary)	TO PLAINTIFF'S MOTION FOR
of the Interior et al.)	ENLARGEMENT OF TIME
)	
Defendants.)	
)	

Paul G. Shearer has moved (Docket Entry No. 126) for an enlargement of time to October 29, 2007, in which to file a response to the Motion of the United States to Dismiss or Strike - Second Amended Complaint (Docket Entry No. 123). The United States recognizes that its motion is extensive and does not oppose an enlargement of time. While the United States questions some of the reasons Shearer has set forth for the requested enlargement, it has no objection to the requested enlargement of time to October 29, 2007. In particular, the United States is not as certain as Shearer appears to be that the parties are as close as Shearer represents to a proposed partial settlement or that any resolution of remaining issues requires all of the time

indicated by Shearer.

In addition, in his motion ¶ 8, Shearer suggests a meeting with the Department of Justice and the National Park Service during the last week of September to discuss settlement. This is the first time the United States was notified of a request for that meeting at that time. The United States believes that a motion for enlargement of time is not the appropriate place to make such a proposal. However, undersigned counsel can, subject to agreement on an actual date and time, make himself available at some time during that period. The United States does not yet know whether representatives of the Department of the Interior can also be available during this same time period. However, counsel for the United States is fully aware of the remaining issues and of the concerns of the United States including the Department of the Interior so that the presence of Department of the Interior personnel is not believed to be necessary. Nor does the United States believe that it is necessary to postpone discussion of the remaining issues until that time.

Dated this 11th day of September, 2007.

s/ Dean K. Dunsmore
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of September, 2007, a copy of the foregoing RESPONSE OF THE UNITED STATES TO PLAINTIFF'S MOTION FOR ENLARGEMENT OF TIME was served by placing said copy in a postage prepaid envelope, addressed to that person at the place and address stated below, and by depositing said envelope and contents in the United States mail at Anchorage, Alaska.

Paul G. Shearer
Kathryn A. McCready
1532 Meadows Drive
Lake Oswego, Oregon 97034

s/ Dean K. Dunsmore
Dean K. Dunsmore